



Newsroom By Date

EPA Orders Hagerman, ID, Property Owner to Repair Damage to the Snake River

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(Seattle, Washington – December 30, 2008) Mr. John Shaw, a property owner in Hagerman, Idaho, has received a U.S. Environmental Protection Agency Clean Water Act Compliance Order for unauthorized dredging and filling of the Snake River near his home.

According to EPA documents associated with the case, during the summer of 2008, Mr. Shaw armored 3,000 feet of Snake River bank in the Lower Salmon Falls Reservoir with basalt trap rock or "riprap." During the course of his project – performed without the required U.S. Army Corps of Engineers permit – Mr. Shaw cut and damaged the riverbank, removed vegetation, placed rock below the Ordinary High Water Mark (OHWM) approximately 15 feet into the river, then placed dirt between the bank and the rock.

According to James Wertz, director of EPA's Idaho office, the Clean Water Act requires property owners to avoid, minimize and mitigate the impacts of development on our nation's wetlands and waters.

"Rather than illegally damaging the Snake River and its wetlands, Mr. Shaw should have gone through the proper permitting process with the Army Corps of Engineers," said EPA's Wertz. "Permits help to minimize damage to wetlands and important Idaho waters like the Snake River. Habitat losses are felt onsite and downstream, often far beyond the individual landowner. Projects like this can affect both the surrounding community and the entire ecosystem."

EPA asserts that Mr. Shaw knew he needed a permit for the 2008 work after speaking to the Corps about another riprap project. Following this discussion with the permitting authorities, Mr. Shaw placed unpermitted riprap below the high water mark near his boat dock.

Under EPA's Order, Mr. Shaw has until January 23, 2009, to submit a restoration plan for EPA review. If approved, the restoration plan must be completed by February 28, 2009, or Mr. Shaw may face additional sanctions or penalties for non-compliance.

For more information about the importance of wetlands in flood control and habitat conservation, go to:

<http://www.usace.army.mil/>

<http://www.epa.gov/owow/wetlands/>

<http://www.epa.gov/owow/wetlands/functions.html>

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Duck club owner to pay fine in Clean Water Act case Hailey resident to serve two years probation

April 16, 2010 1:00 am • By Nate Poppino - Times-News writer

A Hailey resident will pay a \$5,000 fine and serve 100 hours of community service after pleading guilty to a misdemeanor violation of the Clean Water Act, federal prosecutors announced Thursday.

John Shaw, 57, will also serve two years of probation for failing to get a permit to install "rock rip-rap" below the high-water mark of the Snake River at a duck-hunting club he owns.

The process involves cutting into the river bank and installing rock walls to prevent erosion; U.S. Army Corps of Engineers permits are required for such work below the high-water mark.

According to court documents, Shaw installed the rip-rap along about 2,000 feet of river bank adjoining the Hagerman Wings Farm between July and December 2008.

The club sits behind Lower Salmon Dam. After Idaho Power Co. improved boat ramps near the dam, Shaw alleged, increased powerboat traffic started to erode more of the river bank. So, Shaw set out to protect it with the rock formations.

Though Shaw and the government disagree on whether he intentionally built the rip-rap without a permit, the Corps of Engineers received a complaint about the work in fall 2008 and investigated. The agency after an initial look turned the issue over to the U.S. Environmental Protection Agency, which told Shaw to restore the river bank — a project expected to end in the next week, EPA inspector Carla Fromm said.

"He has been cooperative," Fromm said.

Despite that cooperation, the government's belief that Shaw intentionally flouted the rules led prosecutors to charge him in November 2009 with one count of negligently discharging a pollutant into the river. He pleaded guilty in January, and his sentence handed down on Tuesday reflects one proposed in a plea agreement submitted with the November charge.

Calls to Shaw and his attorney, J. Michael Wheeler of Idaho Falls, were not returned Thursday. But in court documents they argued that Shaw believed he'd checked his project with the Corps of Engineers and didn't need the permit.

"Mr. Shaw has admitted that, in hindsight, he made some assumptions that may have been erroneous and he should have investigated the matter further before doing the work. His intent was not to harm, but to protect," Wheeler wrote in one filing.

The government disagreed, stating that Shaw was told he'd need permission for work below the high-water mark.

"(Shaw) had been forewarned on at least a couple occasions not to do what he did without a permit," U.S. Assistant Attorney George Breitsameter said Thursday. Prosecutors settled for the negligence charge because of Shaw's later cooperation, Breitsameter added.

Shaw's rehabilitation work includes planting willows and other woody plants on both sides of the water mark, and the site will be monitored for three to five years to ensure its success, Fromm said.

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Ducks Unlimited Member Builds 30 Acres Where Birds Can Thrive



This Land's for the Ducks

ASHLEY SMITH • TIMES-NEWS

John Shaw leads a small tour around his land on May 11 east of Hagerman. Shaw transitioned 30 acres of his property into a conservation easement. The land will be used as a game reserve to hunt ducks and other fowl and he has built a number of ponds turning the area into a wetlands.

May 17, 2012 2:00 am • By Kimberlee Kruesi - kkruesi@magicvalley.com

HAGERMAN • One Hagerman resident is tapping into conservation efforts to expand his duck-hunting opportunities.

John Shaw — a member of Ducks Unlimited — has allowed close to 30 acres of his Hagerman Wings Farm to be managed under a conservation easement.

"I love taking someone out duck hunting for the first time," Shaw said. "It's been a real passion for mine almost all my life."

Last November, Shaw approached the Southern Idaho Land Trust about converting a section of his 270-acre farm into an easement. Under the easement agreement, the property can't be commercially developed for the next 30 years. During that time, the property owner should protect the land's resources for the public's benefit.

The new easement is now a wetlands area for ducks and other types of fowl. And as owner of a duck-hunting club, Shaw made sure to build in duck blinds along the easement for additional hunting.

"I've got the water and Ducks Unlimited put the money up for the easement. It just all came together pretty easily," Shaw said. "It's something I've wanted to do for awhile."

Since its inception, SILT has converted almost 1,000 acres of farm and ranch land into conservation easements, said Ben Collins, who works for the local land trust. This is the seventh easement that SILT has successfully managed to convert into a conservation area around Hagerman since 2002.

"We take them as we come along," Collins said. "We would like to get more, but since we're still so small we're dependent on other people offering to donate the land. We don't have resources to purchase large pieces of property yet."

The Hagerman Wings easement is located west of Hagerman along the Snake River. It's taken several months of work to convert the designated property into a wetlands area for ducks, but Shaw says it should be ready for hunting in the fall.

With the help of grants from Ducks Unlimited, Shaw filled in sinkholes that previously consumed the majority of water flowing in from streams. The land now has pipelines that push the water out to feed a small series of ponds.

"I'm a perfectionist, so I wanted to make sure I got this right," Shaw said. "Basically, the water was already there, now it has the chance to finally be a wetland."

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